



# PUBLIC NOTICE

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DA 08-974

Released: April 28, 2008

## DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF ASSETS OF IT&E OVERSEAS, INC. TO PTI PACIFICA INC.

### NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 08-54

Comments Due: May 12, 2008

Reply Comments Due: May 19, 2008

On April 7, 2008, IT&E Overseas, Inc. (IT&E) and PTI Pacifica Inc. (PTI Pacifica, collectively Applicants) filed an application pursuant to sections 63.03 and 63.04 of the Commission's rules<sup>1</sup> requesting approval to transfer assets of IT&E to PTI Pacifica.

The Applicants do not request streamlined treatment of this application under section 63.03(b) of the Commission's rules.<sup>2</sup> IT&E, a Guam corporation, provides pre-subscribed and pre-paid interstate service in Guam and the Commonwealth of the Northern Mariana Islands (CNMI) and is a competitive local exchange carrier (LEC) in Guam. PTI Pacifica, a CNMI corporation, provides pre-subscribed and pre-paid interstate service in Guam and CNMI. It is a wholly owned subsidiary of Micronesian Telecommunications Corporation (MTC), a CNMI corporation that provides incumbent LEC service in CNMI. MTC, in turn, is wholly owned by Pacific Telecom Inc. (PTI), a holding company incorporated in CNMI.

Two U.S. citizens own directly a 10 percent or greater interest in IT&E: Jose D. Perez (74.7%) and John M. Borlas (23.9%).

The following entities own at least 10 percent of the equity of PTI: Prospector Investments Ltd. (Prospector) (75%) and Sumitomo Corporation (Sumitomo) (25%). Prospector, a Cayman Islands investment entity, is directly owned by two related individuals, both of whom are citizens of the Philippines: Ricardo C. Delgado (60%) and Jose Ricardo Delgado (40%). Applicants state that, Sumitomo, a Japanese holding company, is publicly traded in Japan, and no entity owns 10 percent or more of this company. Applicants state that Prospector and Sumitomo do not hold a greater than 10 percent direct or indirect interest in any other U.S. telecommunications provider.

<sup>1</sup> 47 C.F.R. §§63.03, 63.04; *see* 47 U.S.C. § 214. Applicants are also filing applications for transfer of control associated with authorization for international services and for wireless services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications. Applicants filed supplements to their application on April 22 and 25, 2008.

<sup>2</sup> 47 C.F.R. § 63.03(b).

The proposed transaction entails the transfer of IT&E's telecommunications assets, including Commission authorizations, infrastructure, and customer contracts, to PTI. Applicants state that PTI intends to assign the assets to its wholly owned subsidiary, PTI Pacifica. After consummation of the transaction, IT&E will continue to exist as a corporation and will not provide telecommunications services.

The Applicants state that the proposed transaction is in the public interest because PTI Pacifica can realize greater economies of scale and, therefore, can provide more competitive offerings to customers in Guam and CNMI. They further state that PTI Pacifica intends to honor existing IT&E customer contracts and rates and that the transaction will not raise significant customer transition issues.

### **GENERAL INFORMATION**

The transfer of assets identified herein has been found, upon initial review, to be acceptable for filing as a non-streamlined application. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 CFR § 63.03(a), interested parties may file comments **on or before May 12, 2008** and reply comments **on or before May 19, 2008**. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's e-Rulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- § Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal e-Rulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- § For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- § Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East

Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202 / 418-0530 (voice), 202 / 418-0432 (tty).

**In addition, one copy of each pleading must be sent to each of the following:**

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, [www.bcpweb.com](http://www.bcpweb.com); phone: 202 / 488-5300 fax: 202 / 488-5563;
- 2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A103, Washington, D.C. 20554; e-mail: [tracey.wilson-parker@fcc.gov](mailto:tracey.wilson-parker@fcc.gov);
- 3) Matt Warner, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C347, Washington, D.C. 20554; e-mail: [matthew.warner@fcc.gov](mailto:matthew.warner@fcc.gov);
- 4) David Krech, Policy Division, International Bureau, 445 12th Street, S.W., Room 7-A664 Washington, D.C. 20554; e-mail: [david.krech@fcc.gov](mailto:david.krech@fcc.gov); and
- 5) Jim Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: [jim.bird@fcc.gov](mailto:jim.bird@fcc.gov).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone: 202 / 488-5300, fax: 202 / 488-5563, or via e-mail [www.bcpweb.com](http://www.bcpweb.com).

For further information, please contact Tracey Wilson-Parker at 202 / 418-1394, or Matt Warner at 202 / 418-2419.

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